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November 6, 2006

BY E-FILING AND MESSENGER

Honorable Joseph C. Spero
United States Magistrate Judge
United States Courthouse
450 Golden Gate Avenue
Courtroom A, 15th Floor
San Francisco, CA 94102-3483

Re: *Netflix v. Blockbuster*
U.S. District Court Case No. C 06-02361 WHA (JCS)

Dear Judge Spero:

We write in response to the telephonic message and confirming conversation with Ms. Karen Horn of your Chambers that Mr. Jeffrey Chanin and I meet and confer with respect to the outstanding points of contention in discovery.

The purpose of this letter is to request Your Honor's permission that my partner Bill O'Brien personally appear for this further conference, that I not personally appear and, if my participation is required, that I be permitted to participate by telephone.

In this patent infringement case, Mr. O'Brien is the co-lead trial attorney, the trial attorney with patent expertise and had the responsibility for formulating and responding to the discovery at issue.

My travel schedule is already unusually heavy and has become more difficult because two members of my immediate family are dealing with significant medical matters, to which I am presently devoting attention. It is my expectation that Mr. O'Brien and I will both be present for the hearing on the pending motions now set for December 8, 2006.

I will, of course, be guided by the Court's wishes.

THE WATER GARDEN

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Thank you for your consideration

Respectfully,



Marshall B. Grossman

MBG:js

cc: Jeffrey R. Chanin, Esq.

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